



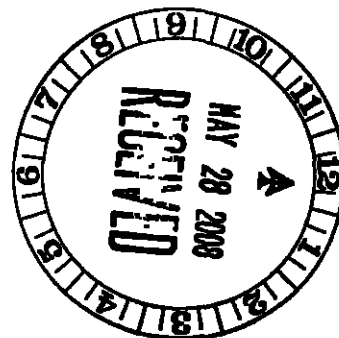
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Gabriel S. Meyer
Assistant General Attorney

May 23, 2008

Via UPS Second Day Air

Ms Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, D.C 20024



**RE: Proposed Abandonment of the Litchfield Industrial Lead, from
Milepost 889.34 to Milepost 892.25; STB Docket No. AB-33 (Sub-No.
266X)**

Dear Secretary Quinlan:

Pursuant to 49 U.S.C. §10502, Union Pacific Railroad Company submits the original and ten (10) copies of a Petition for Exemption, to abandon the above-referenced rail line. A Certificate of Service and Publication pursuant to 49 C.F.R. §1152.60(d) and 49 C.F.R. §1105.12 are attached to the Petition. Also enclosed are a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c), and Union Pacific's payment form for \$5,400 for the filing fee.

Thank you for your time and attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

Gabriel S. Meyer

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Office of Proceedings
MAY 28 2008
Part of
Public Record

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

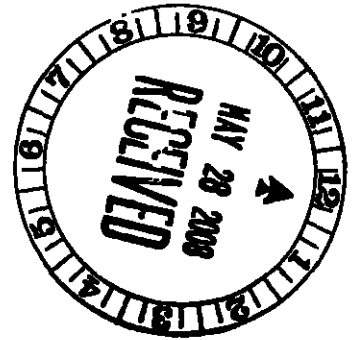
Docket No. AB-33 (Sub-No. 266X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARICOPA COUNTY, AZ
(LITCHFIELD INDUSTRIAL LEAD)

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Public Record



FILED

MAY 28 2008

Petition for Exemption SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
MAY 28 2008
SURFACE
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY

Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179
(402) 544-1658
(402) 501-3393 FAX

Dated: May 23, 2008
Filed: May 28, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 266X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN MARICOPA COUNTY, AZ
(LITCHFIELD INDUSTRIAL LEAD)**

Petition for Exemption

I. Introduction

Union Pacific Railroad Company ("UP") files this Petition for Exemption from the requirements of 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502. The exemption, if granted, will permit UP to abandon the Litchfield Industrial Lead, from Milepost 889.34 (Litchfield Junction) to Milepost 892.25 (Litchfield Park), a distance of 2.91 miles in Maricopa County, Arizona (the "Line").

There are no customers that use the Line, and little likelihood of new rail-served customers locating on the Line. UP does not expect that the proposed abandonment will have any negative impact upon existing or future customers.

II. Petitioner's Background and Representative

UP has rail operations in the states of Arizona, Arkansas, Iowa, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri,

Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming.

The name, address, and telephone number of UP's representative are listed below:

Gabriel S Meyer
Assistant General Attorney
1400 Douglas Street , STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

III. Line Description, Zip Code Information, and Map

The proposed action involves UP's abandonment of its Litchfield Industrial Lead, extending from 889.34 (Litchfield Junction) to Milepost 892.25 (Litchfield Park), a distance of 2.91 miles in Maricopa County, Arizona. No overhead traffic or passenger service operates over the Line. The Line, which was originally constructed in 1920 by the Arizona Eastern Railroad, traverses U.S Postal Service Zip Codes 85338 and 85395

A map of the Line that UP proposes to abandon is indicated in solid black in the map attached as **Attachment No. 1**. Other rail lines in the area, principal highways, and other roads are also shown on the map. The Line does not contain any bridges or structures that are 50 years old, or older. No stations will be closed as a result of abandonment of the Line

IV. Shipper Information

The proposed abandonment of the Line will have no adverse effect on any UP customers. No traffic currently moves over the Line. Only one customer, Dietrich Metal

Framing ("Dietrich"), located near Milepost 890.50, has moved traffic over the Line within the past two years. Dietrich's shipping profile is as follows¹:

Dietrich Metal Framing
500 Grant Street, Suite 2226
Pittsburgh, PA 15219

Dietrich last moved traffic over the Line during October, 2007. Since then, Dietrich has moved to a new facility, located on a different UP line, where it continues to receive service. Its lease of its facility located on the Line terminated in April, 2008.

V. Reasons for the Abandonment and Reasonable Alternatives

The abandonment is necessary because continued operation of the Line would impose a significant burden upon interstate commerce. UP calculates that it would cost \$964,645 to rehabilitate the 1.15-mile segment of the Line, from Litchfield Junction to Dietrich, to FRA Class 1 standards. (See attached verified statement of Michael J. Battista.) This amount is prohibitively expensive in light of the fact that the Line is unused and appears unlikely to be used again in the future. Moreover, this cost does not include the remainder of the Line between Dietrich and Litchfield Park, which makes up approximately 1.75 miles of the proposed 2.91-mile abandonment. This segment of the Line has not carried any traffic for more than two years and is in an advanced state of deterioration.

There appear to be no reasonable alternatives to UP's abandonment of the Line, and there is no reasonable likelihood that there will be any future demands for service

¹ Because Dietrich has relocated to a different UP-served location, it will not lose rail service as a result of the proposed abandonment, and it is unnecessary to supply traffic information to the STB. Moreover, such information could be utilized by Dietrich's competitors.

on the Line UP expects that the proposed abandonment will be beneficial to interstate commerce, as it will allow UP to redirect resources away from an unused rail line, with little prospect of generating future business, and toward rail service on actively used rail lines.

The abandonment, if approved, will not limit transportation options in the area, which will continue to be served by UP's Phoenix Subdivision and spur tracks connecting to it. The area is also served by BNSF Railway Company and Arizona & California Railroad, and by numerous major city streets and highways, including Interstate 10, which connects with local roads that parallel or cross the Line

VI. The Exemption Standards Have Been Met

Rail line abandonments require authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt transactions where it finds (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposed abandonment clearly satisfies these exemption standards.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative costs and expenses that would otherwise be associated with pursuing the proposed abandonment through a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to abandonment consistent with Sections 10101(2) and (7). An exemption will also foster

sound economic conditions in the transportation industry consistent with Section 10101(5), by allowing UP to abandon a line that is unlikely to be used for future rail service.

Additionally, the proposed abandonment is clearly a transaction of limited scope. The Line is only 2.91 miles long and does not serve any shippers. Because there are no shippers on the Line, regulation of this abandonment is not needed to protect them from an abuse of market power.

VII. Land Area, Federal Grant Information, and Public Use

The right-of-way, which is approximately fifty (50) feet wide, runs through the city of Goodyear, AZ. The properties adjacent to the Line are used primarily for light industrial and agricultural activities. Topography is generally level.

UP does not believe that the Line is suitable for trail purposes, given the nature of the surrounding areas. Additionally, the Line does not appear to be suitable for other public purposes including roads or highways, or other forms of mass transportation, as the Line lies in the city of Goodyear, which is served by numerous local streets and highways, including Interstate 10. Nor does the Line appear suitable for energy transmission lines. Portions of the Line may be suitable for assemblage with adjacent properties for industrial, commercial, or other new development.

Based upon information in UP's possession, the Line does not contain any federally granted right-of-way. The Line contains some reversionary property. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1**.

VIII. Labor.

UP is agreeable to the labor protection conditions imposed in abandonment proceedings, as prescribed in Oregon Short Line R. Co. – Abandonment – Goshen, 360 ICC 91 (1979).

IX. Environmental and Historic Report

The required environmental and historic information is contained in the combined Environmental and Historic Report (the "EHR"), which was filed on April 29, 2008. A copy of the EHR transmittal letter is attached as **Attachment No. 2**. The original and ten (10) copies of the EHR were sent to Ms. Victoria Rutson, STB Section of Environmental Analysis, on April 25, 2008, for filing. Following UP's filing of its EHR, the Compliance Specialist/Archaeologist of the Arizona State Historic Preservation Office filed comments with the STB Section of Environmental Analysis. The letter is attached as **Attachment No. 3**.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision

Dated this 23rd day of May, 2008

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in cursive script, reading "Gabriel S. Meyer", is written over a horizontal line.

Gabriel S. Meyer
Assistant General Attorney
1400 Douglas Street
STOP 1580
Omaha, NE 68179
(402) 544-1658
(402) 501-3393 (FAX)

VERIFIED STATEMENT OF MICHAEL J. BATTISTA

My name is Michael J. Battista. I hold the position of Manager Track Maintenance for Union Pacific Railroad Company ("UP"). My office address is 1301 E. Harrison, Phoenix, AZ, 85034. I began my employment with UP's predecessor, Southern Pacific Transportation Company ("SP"), in 1975. During my career at SP and UP I have held positions as Track Foreman, Track Supervisor, Roadmaster, General Foreman, Assistant Division Engineer, and Manager of Track Projects. In my current position, which I have held since 2001, I am responsible for oversight of track maintenance on UP's Phoenix Subdivision, and connecting spurs and industrial leads.

The purpose of this statement is to describe the physical condition of a segment of UP's Litchfield Industrial Lead, which extends from Milepost 889 34 to Milepost 890 47 (the "Line Segment"). While UP proposes to abandon the entire Litchfield Industrial Lead, extending from Milepost 889 34 to Milepost 892.25, I focus on the portion of the line which has had rail service within the past two years. I base my observations and conclusions upon a site inspection I made of the Line Segment during the week of May 7, 2008.

The Line Segment's overall condition is poor, and all of its track is designated as Excepted Track. Restoration of the Line Segment to Federal Railroad Administration Class 1 standards would require substantial rehabilitation, including replacement of all of its rail and one turnout, installation of approximately 1,800 new ties, and spreading of approximately 15 carloads of

ballast. Additionally, UP would need to perform signal work near the Line Segment's connection with the Phoenix Subdivision. UP calculates the total cost of this work to be \$964,645.

The remaining portion of the Litchfield Industrial Lead (Milepost 890.47 to 892.25), which has not been used for more than two years, is in an advanced *state of deterioration, and would require substantial additional expenditures in* order to restore it to Class 1 standards.

STATE OF ARIZONA

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ss.

COUNTY OF MARICOPA

Michael J. Battista, being first duly sworn, deposes and states that he has read the above document, knows the facts asserted therein, and that the same are true as stated.

Michael J. Battista
Michael J. Battista

SUBSCRIBED and SWORN to before me this 23rd day of May, 2008.



Rosemarie L. Acosta
Notary Public

CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No 266X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail, postage prepaid, to the following:

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd , Suite 130
Newport News, VA 23606-2574

U. S Department of the Interior
National Park Service
Recreation Resources Assistance Div
P O Box 37127
Washington, D C. 20013-7127

U.S Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Building
14th Street & Independence Ave , S W
Washington, D.C. 20250

Arizona Corporation Commission
Commissioners Wing
1200 West Washington
Phoenix, AZ 85007-2996

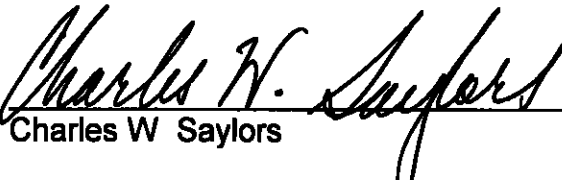
Dietrich Metal Framing
500 Grant Street, Suite 2226
Pittsburgh, PA 15219

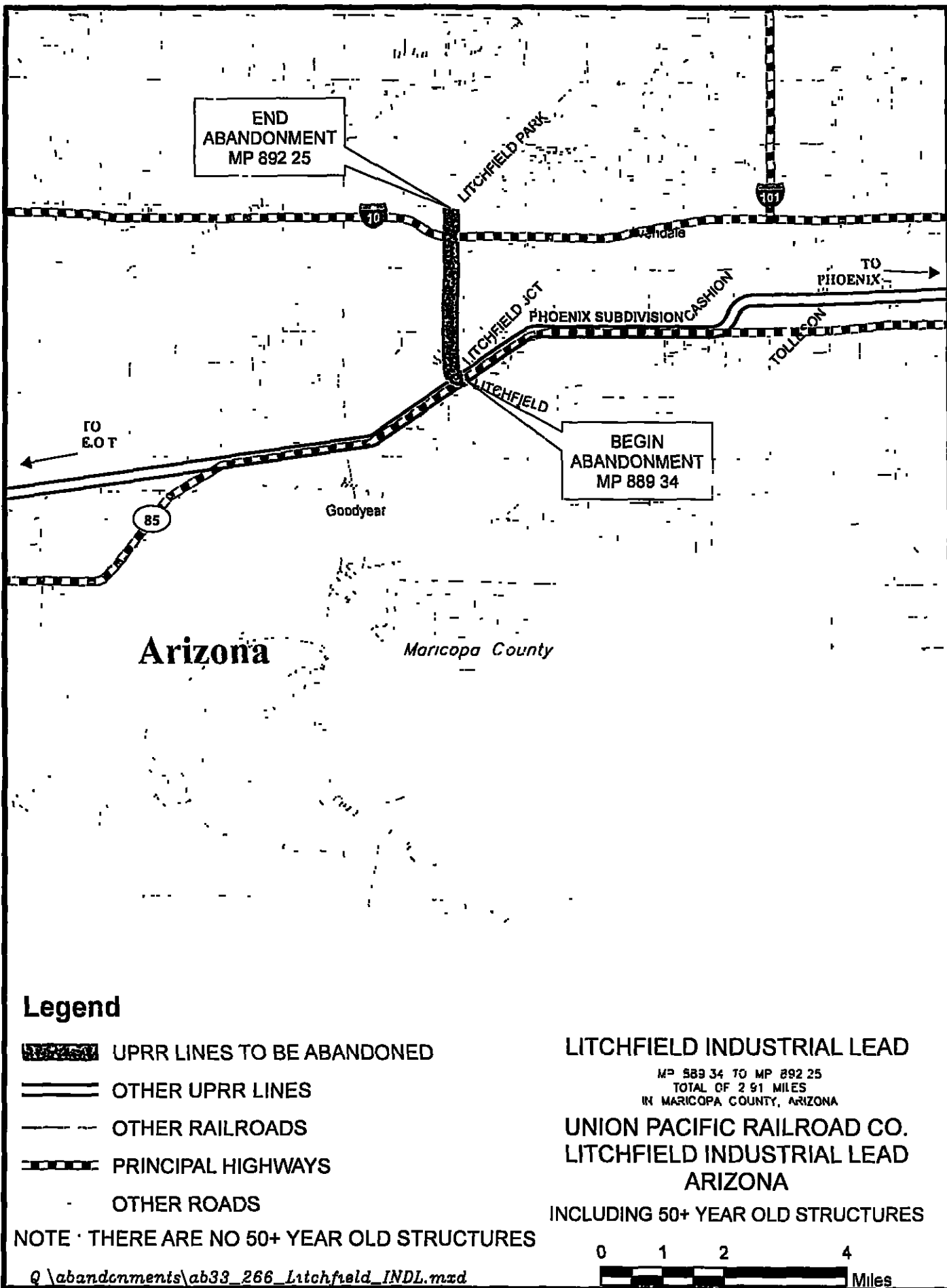
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Maricopa	<i>West Valley View</i>	May 20, 2008

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 23rd day of May, 2008


Charles W Saylor



222239

Attachment No. 2

Gabriel S Meyer
Assistant General Attorney



April 25, 2008

Via UPS 2nd Day Air

Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings

APR 28 2008

Part of
Public Record

Attention: Victoria Rutson

Re: Proposed Abandonment of the Litchfield Industrial Lead, from Milepost 889.34 to Milepost 892.25, STB Docket No. AB-33 (Sub-No. 266X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced matter are the original and ten (10) copies of Union Pacific Railroad Company's Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. Sections 1105.7 and 1105.8, with a Certificate of Service and a transmittal letter pursuant to 49 C.F.R. Section 1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after May 19, 2008. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S. Meyer".

Gabriel S Meyer

Enclosures

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May 19, 2008

Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Attention Victoria Rutson

REC'D UPRR
MAY 23 2008
LAW DEPT.

RE: STB Docket No. AB-33 (Sub-No. 266X)
Union Pacific Proposed Abandonment of Litchfield Industrial Lead
MP 889.34-MP 892 25
Section 106 Consultation
SHPO-2008-0271 (36280)

Janet Napolitano
Governor

State Parks
Board Members

Chair

William C. Cordasco
Flagstaff

Arlan Colton
Tucson

William C. Scalzo
Phoenix

Reese Woodling
Tucson

Wayne Westerhausen
Phoenix

William C. Porter
Kingman

Mark Winkleman
State Land
Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W Washington
Phoenix, AZ 85007

Tel & TTY 602 542 4174
www.azstateparks.com

800 285 3703 from
(202 & 928) area codes

General Fax
602 542.4180

Director's Office Fax
602 542 4188

Dear Ms. Rutson

Thank you for consulting with the Arizona State Historic Preservation Office (SIPO); our office recently received for review and comment the materials from Union Pacific Railroad regarding the proposed abandonment of the Litchfield Industrial Lead from mileposts 889.34 to 892 25 in Maricopa County, Arizona. Dr. Bill Collins, Deputy SHPO/Historian, and I have reviewed the documents and offer the following comments pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 CFR Part 800.

The response to Issue 7 of the Historic Report [on page 12] of the submitted materials [Combined Environmental and Historic Report] is that "UP knows of no historic sites or structures or archaeological resources in the project area" and that "No structures over 50 years old are affected by the proposed abandonment." The rail line itself is a structure and over 50 years old. The report should be revised to include National Register evaluation of this historic property and a determination of effect for the proposed abandonment. We look forward to the opportunity to review the revised materials.

We appreciate your cooperation with this office in considering the impacts of federal undertakings on cultural resources situated in Arizona. If you have any questions, please contact me at (602) 542-7140 or electronically via djacobs@azstateparks.gov.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

CC: Gabriel S. Meyer; Union Pacific Railroad Company

DRAFT FEDERAL REGISTER NOTICE
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 266X)
Notice of Petition for Exemption to Abandon

On May 23, 2008, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for abandonment of the Litchfield Industrial Lead, from Milepost 889.34 (Litchfield Junction) to Milepost 892.25 (Litchfield Park), a distance of 2.91 miles in Maricopa County, Arizona (the "Line"). The Line traverses U.S. Postal Zip Codes 85338 and 85395. There are no shippers on the Line that will be adversely affected by the proposed abandonment. There are no stations or structures that will be adversely affected by the proposed abandonment.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.